

**AN EXAMINATION OF READABILITY OF CODES OF STUDENT CONDUCT IN
PENNSYLVANIA K-12 PUBLIC SCHOOLS**

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Public school districts distribute Code of Student Conduct materials as an efficient method of informing parents and students about their rights and responsibilities under relevant laws. The right to attend public school is guaranteed by state and federal law. Prior notice must be given and due process followed when the right to an education is at risk of being removed. The last national study of adult literacy was conducted in 2003, and indicated that 43% of Americans cannot read a lengthy document and derive meaning from in (U.S. Department of Education, 2003). A review of 30 years of prior studies of public school publications for parents of special education students recommended that materials be written at the 5th grade level but found that they were written at a 12.5 grade level (Nagro & Stein, 2016). This study examined the Code of Conduct from 30 randomly selected Pennsylvania school districts and the contrasting educational attainment levels of the local community. The Coleman Liau Readability Formula and Degrees of Reading Power readability formulas were used for Code of Conduct materials downloaded from public websites. The level of educational attainment was located through the U. S. Census Bureau public website. Three of the 30 school districts had Code of Conduct materials written below the 12th grade level. All communities had 79% or more adults with high school diplomas, but only four communities had 50% or more adults with college diplomas. The contrast between

readability levels and educational attainment levels implies that parents are not informed of educational rights. Best practice would include checking materials for readability, using alternative methods for communicating with stakeholders, understanding the intended audience, and offering continual training for professionals on this topic.

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PREFACE

The purpose of this dissertation is to examine the ways in which we can communicate better with parents, and thereby serve students. My goal is to partner with all stakeholders in the education system. This research is a step toward using the most effective methods to include and empower families.

I would like to thank my dissertation committee for their time and willingness to share advice in this area. Thank you to Mr. Ira Weiss, for your legal expertise and wisdom. Thank you to Dr. Charlene Trovato, who provided expertise in reading and literacy. With special gratitude for Dr. Kerr, always a shining example in the field: I am thankful for your mentoring and guidance.

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1.0 INTRODUCTION

Public schools routinely publish information used to inform students and guardians of the expectations within the educational milieu. This notification, or Code of Conduct Handbook, is used to provide a basis of understanding within the school society. These materials are often mailed to homes, sent home with students, and available publicly on district websites.

The Code of Conduct is intended to be reliable for communicating, so that students can follow the local rules. The problem may be that if the document is written at a readability level above the grade level of the reader, then it may not be understood. If the language used to explain the rules is too difficult for the student or guardian to comprehend, then the intended purpose has not been accomplished.

1.1 STUDENT RIGHTS AND RESPONSIBILITIES IN PENNSYLVANIA

Pennsylvania regulations specifically address the Student Responsibilities for children enrolled in public schools. Students must “be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect” (Commonwealth of PA, n.d.). The same section of code directs, “The governing board shall define and publish the types of offenses that would lead to exclusion from school” (22 Pa. Code 12.6).

Within this section of Pennsylvania law, students are also guaranteed the right to not be denied a free and full public education (22 Pa. Code 12.4) and to not be excluded from school unless certain criteria are met (22 Pa. Code 12.6). The state was very clear that students must be able to understand what expectations are within the public school. In addition, the State law puts forth a requirement that public schools educate stakeholders about what might cause a student to be denied their access to an education.

1.2 GUARDIAN RIGHTS

The rights of guardians to be notified is specifically mentioned in federal regulations. The Protection of Pupils Rights Law (1978) contains an Annual Notice Requirement (20 U.S. Code § 1232h). Public schools receiving federal funding must be sure to comply with this and notify parents and guardians annually of the policies of the local education agency. This law also requires that parents be notified regarding personal student information collected for the purposes of marketing, the administration of surveys, and nonemergency, invasive physical examinations (20 U.S. Code § 1232h).

More recent federal education laws have specifically included the responsibility of school districts to inform and include parents. *Individuals with Disabilities Education Act* (IDEA) in 1997 and *No Child Left Behind Act of 2001* (NCLB) both referenced the importance of involving parents in the educational process. “Specifically, IDEA contains explicit language that pertains to the readability of procedural safeguard documents...The law demands that the notice must be written in language understandable to the general public” (Mandic, Rudd, Hehir, & Acevedo-Garcia, 2012, p. 196).

1.3 STATEMENT OF THE PROBLEM

School districts must grapple with how to disseminate their policies and procedures to a wide audience in an easily understood message. Because they cannot realistically meet with every parent individually, districts rely heavily on written communication. Districts wishing to partner with parents must share their regulations and expectations in a readable format if they are to work together as a team. When doing so, district administrators must be cognizant of the audience they are intending to reach with a published Code of Conduct or Student Handbook as well as other publications and informative documents. The goal of this study is to investigate if codes of student conduct in K-12 Pennsylvania school districts are accessible to the local communities they serve and whether they constitute reasonable legal notice. To address these questions, I analyzed whether the readability level of the student codes of conduct is appropriate for the intended audience.

My Problem of Practice is focused on these publications between the district and parents and students. I cannot assume as a principal that parents are understanding my written communication if they cannot read it. Studies to this point have focused on special education materials, not Code of Conduct or handbook materials prepared for the larger student population. Research on adult literacy levels indicates that school documents should generally be written at the grade level of 9.0 or below (Pruit, 2003). However, the readability level of documents that I have encountered from public schools to students and families has not been consistent with their level of educational attainment, which makes the information inaccessible to some audiences due to different literacy levels. One way of addressing this gap is through the use of readability formulas. Readability formulas can give feedback on literacy levels of community members to

school administrators who are tasked with writing documents at a grade level consistent with their local community.

This problem of practice is consistent with the federal requirement that government documents reflect “plain language,” which began with President Clinton’s executive order in 1998 (Plain Language in Government Writing [PLGW], 1998, p. 1). The Plain Language in Government Writing order was reinforced by President Obama in the *Plain Writing Act* of 2010. While the federal government does not directly regulate public schools, the intent of such laws is clear. The government wants to be sure that the public can understand rules and regulations. Should we not be equally concerned that we are sending a clear message to the parents of students?

2.0 LITERATURE REVIEW

2.1 LEGAL CONCEPT OF NOTICE

Access to public school is a property right for students guaranteed through federal law, and students and their families must be informed if their opportunity to attend school is at risk. Written communication such as a Student Handbook or Code of Conduct provides prior notice of actions that would put the right to school attendance in jeopardy. The legal concept of providing notice to individuals is derived from the Constitution of the United States of America. The Fifth and Sixth Amendments to the Bill of Rights guarantee citizens their right to due process. The founders of our country were so diligent about protecting the rights of citizens that they repeatedly mentioned this concept as a safeguard from the government. Citizens are “put on notice” when they are informed of their rights under the Constitution. American laws were created to guarantee that no person would be denied life, liberty, or property by their government (Winkler, 2000).

2.1.1 Due process

The Fifth Amendment defines this concept of due process for citizens. It provides for both procedural and substantive due process in order to protect freedoms. It guarantees that citizens are permitted a jury trial and that they are not required to self-incriminate. The Fifth

Amendment defined the idea of double jeopardy or being prosecuted twice for the same offense. The Sixth Amendment addresses criminal trials and guarantees the accused the right to a fair trial. The circumstance of a fair trial cannot be provided unless the defendant is aware of the charges and their rights under the law (Winkler, 2000).

The Fourteenth Amendment offers due process protection to citizens under the law and extends to state governments. Written after the American Civil War, this amendment offers equal protection to all people without discrimination: “nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws” (U. S. Constitution, Amendment 14). This mention of due process extends to state governments, local governments, and school systems.

2.2 LEGAL NOTICE IN THE PUBLIC SCHOOL SETTING

Due process and the concept of legal notice were first challenged by public school students in 1974. The issue of due process rights for public school students was brought before the United States Supreme Court in 1974 when the Columbus, Ohio Public School System challenged the judgment of a federal court ruling (*Goss v. Lopez*, 419 U.S. 565, 95 S. Ct. 729, 42 L. Ed. 2d 725 (1975)). The appellees in the case were high school students who had been suspended without a hearing. The United States District Court for the Southern District of Ohio ruled in favor of the school district’s authority to apply discipline in the form of suspension for short periods of time without notice. This case set a standard for public schools to notify students prior to removing their right to attend school for an extended period. However, the Supreme Court found that because the suspensions were issued without any hearing, they were unconstitutional. The

students had not been given notice prior to losing their right to education, and thereby future employment opportunities (*Goss v. Lopez*, 419 U.S. 565, 95 S. Ct. 729, 42 L. Ed. 2d 725 (1975)). The Supreme Court ruling clarified that students had a constitutional right to education just as the Founding Fathers guaranteed life, liberty, and property to citizens. This outcome meant that schools would be required to notify students prior to denying them the right to an education.

In the Supreme Court case of *Wood v. Strickland* (1975), three high school girls admitted to adding alcohol to punch at a school function. The administrators involved recommended leniency, but the school board imposed expulsion based upon local regulations. As the case moved through the District Court and the Court of Appeals, the issue became one of liability and a judgement of damages against the school board. The Supreme Court reversed the Court of Appeals ruling because the students had had no opportunity to be heard at their first sentencing board meeting. Although they were not given the right to due process, the Supreme Court was hesitant to find school board members liable for compensatory damages.

Three justices dissented, writing, “In view of today's decision significantly enhancing the possibility of personal liability, one must wonder whether qualified persons will continue in the desired numbers to volunteer for service in public education” (*Wood v. Strickland*, 420 U.S. 308, 95 S. Ct. 992, 43 L. Ed. 2d 214 (1975)). This ruling set a standard for the support of local systems of public education so long as they offered an opportunity for due process. The Supreme Court upheld the concept of offering due process but was hesitant to interfere with the actions or judgment of local education professionals.

The issue of due process relative to protections of the Fourteenth Amendment guarantee of freedom from deprivation of life, liberty, or property was again challenged before the United States Supreme Court in 1976. The case, (*Ingraham v. Wright*, 430 U.S. 651, 97 S. Ct. 1401, 51

L. Ed. 2d 711 (1977)), involved corporal punishment of students in public schools in Georgia; students were being paddled in school. The parents challenged that this was cruel and unusual punishment, and that, even if paddling was acceptable, no prior notice was being given. The Supreme Court ruled in favor of the Court of Appeals and upheld the right of schools to impose corporal punishment without any prior notice (*Ingraham v. Wright*, 430 U.S. 651, 97 S. Ct. 1401, 51 L. Ed. 2d 711 (1977)). In this case, school administrators' authority was upheld as long as students continued to have access to education.

United States courts have consistently held that local school districts can make local regulations, and school administrators must be able to impose discipline as they deem appropriate. In 1989, *Rosa R. v. Connelly* was heard in the Second Circuit of the United States Court of Appeals regarding the denial of due process. A former student in Bridgeport, Connecticut brought a loaded gun to school with the intent to sell it. The student was suspended for ten days, and then his mother requested two subsequent postponements of a hearing. The due process violation was based upon the fact that the days from those postponements were not counted toward eventual expulsion days. The due process claim was based upon the fact that the student's right to an education was a property right that was denied in this situation. The defense argued that if a student could not access their education, then he or she would also be deprived of future earnings and prosperity. The Supreme Court upheld the decision of the district courts. The federal court could not establish that substantive rights of due process had been breached, and they also could not resolve issues of discipline not pursued earlier within the state courts (*Rosa R. v. Connelly*, 889 F.2d 435 (2d Cir. 1989)). The courts again found in favor of the school district so long as the family had been informed and the student had been given rights

through prior notice. The Supreme Court ruled that no rights to property were violated since the family had notice of suspensions and methods to address the amount of time missed in school.

Attorneys in the case of *Swindle vs. Livingston Parish School Board* (2011) again enacted the Fourteenth Amendment and denial of due process as a student was not afforded proper notice prior to exclusion from school. The eighth grade girl in this case had left a school dance, used marijuana with a group of friends, and returned to the dance under the influence. The administrator recommended expulsion for the remainder of the school year. The school district allegedly did not provide alternative education or allow her back into the public school. The family did not receive notice as to why the student was not permitted into alternative education. The United States Court of Appeals, Fifth Circuit found that the district was at fault for not providing proper notice or a fair hearing before denying her an alternative education; therefore, the students' due process rights to alternative education were violated. The dissenting judge wrote with great dissatisfaction how the case was argued and that one superintendent was being held responsible. The superintendent was found not to be at fault, because he had already provided one due process hearing and should not be required to provide a second hearing. Ultimately, the case was remanded to district court to settle the issue of the yearlong denial of educational benefits, but no administrator or school district was found to be at fault (*Swindle v. Livingston Parish School Bd.*, 655 F.3d 386 (5th Cir. 2011)). The courts again loudly defended school administrators by writing that they should not be held personally responsible for following district rules, particularly in a case where due process had been offered at least once to a student.

Thus, the judicial system has moved to remedy cases when a student has not been informed of their rights through proper notice or been given an opportunity for due process. The

opportunity to attend school is viewed as a property right by the Constitution and students must be afforded due process before losing that property right. The legal cases reviewed here indicate that when notice is given and due process rights are provided, the school district decision will be supported by the courts.

2.3 REQUIREMENTS OF PARENT NOTIFICATION

The requirement of public schools to communicate with parents is rooted in special education. With the passage of the *Individuals with Disabilities Education Act* (IDEA) in 1997, the federal government required schools to acknowledge the role of parent participation in their children's education. Parents were granted the ability to make decisions with educators and were given avenues for appealing decisions. In order to be informed team members, parents were guaranteed information about their procedural safeguards. A procedural safeguard is a mandated formal written communication to the parent of every child who receives or could receive special education services.

These regulations legitimized the importance of providing an equal amount of legal background knowledge to families. Prior to this, it was widely accepted that the educators were the experts, and they did not always have to explain the reasons behind their decision making. The power within schools to make decisions rested with the professional staff and was not expected to be questioned by parents. Passive parent participation and deference to administrators was assumed. This model shifted with the legal requirement that at least some parents had to be given knowledge of relevant guiding policies and the right to disagree with

administrators' decisions. It was an initial effort at empowering parents with a voice and as an equal team member.

The passage of P.L. 94-142 (Education for All Handicapped Children Act) in 1975 was intended to guarantee the rights of children with disabilities. This law provided services for students and rights for parents. Furthering the effort was the passage of the Individuals with Disabilities Education Act (IDEA) in 1997, and due process rights for students and parents at the federal level. IDEA (1997) was intended to ensure full opportunities for children regardless of their level of ability. The act required that all students be enrolled in school and receive services regardless of their handicapping condition. Each student became legally entitled to a free and appropriate public education. School districts were then required to offer an equal opportunity to programming.

The United States Department of Education enacted IDEA (1997) in order to guarantee that students with disabilities were permitted to attend public schools in the least restrictive environment possible. In order to provide the inclusive environment, the federal government offered to avenues for implementation. First, policies were created for states to follow and implement within school districts. Second, a method of funding was created with avenues for withholding monies when states were not compliant. Parents were given specific rights for the first time, including notification procedures and a structure to file complaints to their state department or file for due process if they felt their rights were violated. The theory of action was that these instruments would increase the number of special education students included in general education K-12 settings.

Providing rights to parents in the form of suing their school district allowed for an incentive for school districts to offer an appropriate education, or the parent could advocate for

rights through another avenue. This does work for district level systems-change, since one lawsuit can bring about lasting changes to student programming. Confrontations between parents and school districts became more time consuming and expensive. The law did provide opportunities for parents to advocate for their children, but parents must be able to read and understand the materials they are given. In most cases, school districts want to provide the best possible services. Conflict can arise when districts either do not have the financial resources to commit to one child or do not have the technical expertise to create an appropriate learning environment. One unfortunate outcome has been that energy is then committed to the legal process rather than toward providing an educational program for the child. However, an even greater change agent than the threat of audit by a regulating body is the threat of a lawsuit within the local school district. The time, effort, and negative feelings put into defending against alleged wrongdoings by the school is a great enough force to lead many administrators to proactively create the environment the family is requesting when it is financially attainable. This action would not have occurred without parent rights being written into IDEA (1997). It is a level of coercion required for change, as a mandate would create, that has been effective. The case law created by local level lawsuits defined how schools would most effectively implement IDEA (1997).

The *No Child Left Behind Act of 2001* (NCLB) is the next piece of legislation to direct parent communication. NCLB (2001) was a reauthorization of the Elementary and Secondary Education Act of 1965, which had introduced Title I funding programs. This federal law requires that all schools receiving federal funding for disadvantaged students (Title I funds) have a Parent Involvement Policy. Schools were required to hold meetings, provide timely information, and respond to parent requests. NCLB (2001) did mention the format and language

of parent materials as well as efforts to provide trainings for parents. In fact, parents were so important to NCLB that they are specifically mentioned over 300 times. Parents were given an opportunity for engagement not only for their own children but also for program planning and design. Under NCLB (2001), parents must be notified of the highly qualified status of their child's teacher and the annual yearly progress of the school according to assessment results. The regulations state that information must be, "provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies" NCLB (2001) 1111 (h)(2)(E). However, documents for parents may fail to take into account their reading skills.

2.4 RESEARCH ON ADULT LITERACY

The National Assessment of Adult Literacy was a survey conducted in 1992 and 2003. The 2003 survey was representative of the adults in the United States and included a sample of 19,000 participants. The results in 2003 indicated that 14% of respondents scored below basic in prose literacy and 29% scored basic on surveys of prose literacy. These findings show that 43% of the adult population surveyed were unable to read a lengthy document and pull important details from what they read (U.S. Department of Education, 2003). In contrast, school district materials are often written by highly educated administrators who may not be consistently aware that approximately half of the general population cannot extract needed information from lengthy prose.

The importance of readability in materials has generally been measured in studies of students who receive special education services and their families. There is some research focused on parents of special education students and their positive or negative encounters with schools. Additional research on readability levels is focused on medical literature used to communicate with patients. The National Assessment of Adult Literacy (2003) was widely disseminated in regard to patients' understanding health information, and journals of medicine began to investigate other methods of providing health information after learning that one of three patients had limited health literacy (Gill, Gill, Kamath, & Whisnant, 2012). Another study found that: "More than 90 million Americans have low levels of health literacy that may contribute to poor health outcomes" (Wilson, 2008, p. 33).

Much like medical models, the welfare of the child is dependent on a consistent team approach when the minor has an identified disability. The early research was focused on implementation of PL 94-142. This was the first federal attempt at including all children in public schools. As far back as 1978, Hoff, Fenton, Yoshida, and Kaufman (1978) wrote that if a partnership is to be mandated with parents for decision-making, then parents must be able to understand special education documents when they are giving consent. The authors interviewed parents of 20 students referred for special education services. They found that only 50% of the families understood placement decisions. The authors wrote, "Skillful and timely communications from the school to the parents throughout the extended process of evaluation, placement, and review are requisite to parental understanding" (Hoff, Fenton, Yoshida, & Kaufman, 1978, p. 272).

The many regulations required for schools to ensure that proper services are delivered can also be alienating for families, because they are difficult to understand. Addressing this,

Allen, Harry, and McLaughlin (1995) completed a three-year longitudinal study of 24 preschoolers entering special education programs. This was conducted in an urban school district for determining the level of family participation relative to professional communication. The study specifically recognized, “the structure of power” (Allen, Harry, & McLaughlin, 1995, p. 373) as a deterrent to parent advocacy. The authors concluded that, “The absence of meaningful communication throughout the assessment and placement process, however, was the source of much confusion and distress for parents” (Allen et al., 1995, p. 374). Adhering to the regulations of paperwork first, without regard to the specific needs of families, proved to be overwhelmingly alienating for parents. Families were unable to understand documents informing them of their legal rights due to the literacy levels of parents and the readability of the materials. The paperwork explaining parental rights was written at a level not understood by parents, thereby creating a barrier between family and school and calling into question whether families had received notice in a manner they could understand.

Pruitt (2003) investigated the reading level of 30 parents of special education students relative to the readability of special education documents. The average reading level was found to be at a 9.0 grade level. The documents disseminated to parents were found to be between 9.9 and 12.0 grade levels. The first conclusion was that, “Special education documents/ forms are written at a reading level that is too high for many parents to comprehend” (Pruitt, 2003, p. 101). The study found that written information was generally three grade levels above parents’ ability to understand. The authors’ top recommendation was that special education documents should be written at a 9.0 grade level or below. Forms should be reflective of driver’s license materials, which are intentionally written to be understood by the general public (Pruitt, 2003).

When one investigates the conflicts between parents and school districts regarding special education services, communication appears as a main contributor. This theme continues in a study published in 2000 by Lake and Billingsley after they reviewed records of families who had filed for legal due process hearings with the Massachusetts Department of Education. Consistent among all 22 cases was a struggle of power and a lack of communication: “Frequency of communication, lack of communication, lack of follow up, misunderstood communication, and timing of clarifying attempts were given as factors that escalate conflicts between parents and schools” (Lake & Billingsley, 2000, p. 248). Providing parents information about their rights at a grade level that is inconsistent with their educational attainment is not following the federal guidance for using plain language. School administrators who are working toward effective communication must have concern for how efficiently parents can understand written materials.

A large-scale study of the readability of special education documents specifically created for educating parents illuminates their ineffectiveness. Fitzgerald and Watkins (2006) accessed the Parents’ Rights documents found online from every state, through the representative department of education. Two different approaches to measuring readability were used for the 50 samples. The findings reflecting the first sweeping measure of parent materials since changes were made to special education law, were startling. “...the results suggest that more than 90% of the Parent’s Rights documents are above the 7th or 8th-grade level, and thus, are too difficult for the average person” (Fitzgerald & Watkins, 2006, p. 506). Less than 10% of the documents used to inform parents were written at the recommended reading level. Most of the documents were at a 9th or 10th grade reading level although approximately 20% were written at a college reading level (Fitzgerald & Watkins, 2006).

Research regarding readability levels consistently addresses special education documents because they are mandated to be written in order to be understood (Mandic, Rudd, Hehir, & Acevedo-Garcia, 2012). Ongoing studies have shown that even though these parental procedural safeguards are meant to provide understandable prior notice, this has not been achieved. In a study of procedural safeguards documents from all 50 states and the District of Columbia, more than half scored at the college reading level. Only 6% of the documents fell within the high school readability, and 39% were within the range of graduate or professional writing (Mandic, Rudd, Hehir, & Acevedo-Garcia, 2012).

Determining the readability level of written materials has been essential in providing information to the intended audience. In order to do this, formulas to assess the difficulty of the written word have been developed and used for decades. These formulas are based upon statistics or scientific approaches to the level of difficulty of a piece of writing. The research to this point has focused on special education documents as they are mandated to be understandable. There is no known research on the readability of more general public school documents such as code of conduct or student handbook materials.

2.5 READABILITY: A BRIEF HISTORY

Providing students and families with meaningful written communication allows for prior notice so that they can be informed of an opportunity for due process. The concept of readability is employed to measure the level of difficulty of the written material *as it matches the needs of the reader*. Readability refers to understanding the meaning of the text, not the legibility of the handwriting or presentation of the written word (Pikulski, 2002). Literacy does not adequately

address the notion of readability and can be a barrier to understanding when the reader and the materials are not matched at similar levels. “A more reasonable definition of readability is in keeping with more recent research and theory is *the level of ease or difficulty with which text material can be understood by a particular reader who is reading the text for a specific purpose*” (Pikulski, 2002, p. 1).

The earliest surveys of literacy in the United States were conducted in the 1930s for use by librarians and teachers. The concept was based upon the work of Lucius Sherman, a professor of literature, who had developed ideas in the 1880s about how writing was progressing in the English language. His research showed that the written word is different from the spoken word, and that written sentence length could be measured mathematically. Since that time, over 80 years of research has refined formulas for determining the readability of text (DuBay, 2004). Measuring literacy levels and matching relevant materials became more important as students enrolled in schools, adults joined the United States Armed Forces, and the workforce required technical manuals or directions for employees. The level of difficulty of vocabulary words was studied in the United States in the 1920s, and the first readability formula was created in 1923. Lively and Pressey (1923) measured the level of difficulty of new or unfamiliar words presented in textbooks for students (DuBay, 2004). Klare (1974) reviewed the multiple readability formulas established up to that time and concluded that using the least complex was most desirable. He wrote, “It may seem surprising that counts of the 2 simple variables of word length and sentence length are sufficient to make relatively good predictions of readability” (Klare, 1974, p. 97). Using a formula to count characters, words or sentences does not require reader feedback or human judgement to predict how well written communication will be understood by the reader (Klare, 1974). Hundreds of formulas have been developed since that time. These

current measures can generally be divided into genres, “1. Traditional methods, 2. Methods inspired by cognitive science, and 3. Methods based on the use of statistical modeling tools” (Benjamin, 2012, p. 65).

2.6 READABILITY: CURRENT MEASURES

Traditional readability methods are still being developed and used. They encompass formulas based upon counting the numbers of words in sentences, word frequency, word difficulty, and word length. As Shelby (1992) described them, “readability formulas represent an attempt to apply scientific methodology to the analysis of writer documents, primarily through quantification” (p. 487). The most well-known of these methods is the Dale-Chall formula, which first examined sentence length and vocabulary difficulty of a 1926 reading textbook (Williams, 1972). Other common readability formulas are Flesch-Kincaid, FOG, Forecast, Fry, Lexile, PSK, SMOG, and Spache. All of these derive a grade level from a mathematical equation based on word count, number of word syllables, unfamiliar words, and/ or word frequency (Begeny & Greene, 2014). The consistent criticism of these approaches is that the needs of the reader and the meaning of the words are not taken into consideration. One formula, using the same criteria to create a constant statistical approach, cannot predict all of the complex factors involved in reading (Bailin & Grafstein, 2001). The Flesch-Kincaid test is the basis for Microsoft’s readability program, which is considered to be a flawed approach when used singularly for reviewing legal notices (Sirico, 2007). Researchers working for companies interesting in selling their textbooks proposed new ways to evaluate text difficulty by considering prior knowledge about the reader (Benjamin, 2012).

This next phase of measures sought to apply cognitive theories to understanding text. This approach depends upon the reader needing to interpret meaningful words in a sentence. The Latent Semantic Analysis (LSA) tool and Cob-Metrix software both fall within this category. These programs are able to consider the cohesion of the meaning of words in order to predict how difficult it will be for the reader to derive meaning. Text that is less difficult requires less processing and use of access to long-term memory. Matching evaluation of exposure to word context to reader is more difficult to do, since each individual has a different prior knowledge set. These approaches are less commonly used and continue to be developed (Benjamin, 2012). The final measure is being refined for use in determining readability for web pages. Statistical modeling tools begin with a program based upon text words from a particular grade level and compares additional text to the initial example. The language model from the sample can become a guide for statistical analysis. The future for this model may be in creating the capacity for search engines to match readability of search results to the user (Benjamin, 2012). This tool is not used for written publications distributed in a paper format.

2.7 CONCLUSION

Producing meaningful written documents for use by parents and students is a part of providing prior notice of due process rights. Legal notice that cannot be understood does not meet plain language requirements for informing citizens. According to a 2003 survey by the National Assessment of Adult Literacy, 43% of the population is unable to read a lengthy document and pull important details from what they have read (USDE, 2003). In contrast, a sample of special education parents' rights documents from all 50 states indicated that 20% of the documents were

at a college reading level, and 90% were above a recommended 7th or 8th grade level (Fitzgerald & Watkins, 2006).

The most consistently utilized readability formula is the traditional method of determining grade level readability through word syllable counts, word frequencies, familiar word, and sentence length. The work on parent communications has not yet benefited from the adoption of consistent measures across studies. Moreover, we do not yet have studies of a different legal notice, for example, codes of student conduct. Therefore, this study will use consistent measures to document the readability level of one type of parent notice, the district code of student conduct.

3.0 METHODS

3.1 STATEMENT OF THE PROBLEM

School districts have a legal responsibility to inform students and parents of their rights and responsibilities. If the document circulated to meet this requirement is written at a readability level above that of the local community, then the requirement of prior notice is not being met. Research on prior notice provided through public school special education documents has shown that most were written at the 7th or 8th grade level, and above (Fitzgerald & Watkins, 2006). The goal for this study is to concentrate on readability levels of Code of Conduct materials from public schools in the state of Pennsylvania. Codes of Conduct serve as legal notice to students, parents, and guardians, making them an ideal document type for a first study of readability in K-12 school district notices. The next section addresses the relevant research questions.

3.2 RESEARCH QUESTIONS

To evaluate the readability of student and parent materials, the following questions will be addressed in this study:

1. What is the readability level of the Code of Conduct material according to multiple readability formulas?

2. What is the level of educational attainment of the local community according to the US Census Bureau?
3. How well does the readability level of the Code of Conduct align with the educational attainment of the local community?

3.3 METHODOLOGICAL FRAMEWORK AND DESIGN

This evaluation study requires both document analysis and secondary data analysis as methods to approach the research questions. “Evaluation assists sensemaking about policies and programs through systemic inquiry that describes and explains the policies’ and programs’ operations, effects, justifications, and social implications” (Mark, Henry, & Julnes, 2000, p. 17). The Code of Conduct materials will be analyzed using multiple readability formulas to ensure consistency and accuracy. The two inquiry modes of evaluation used for this study are description, measuring the written word, and classification, grouping according to the information gathered. Using this evaluation approach is purposeful in assessing the value of the materials, describing the level of compliance to statutes, and offering opportunities for program improvements (Mark, Henry, & Julnes, 2000).

3.4 DATA COLLECTION

Assembling the data was completed using public websites. A randomization table was accessed and used online to identify 30 of the 500 school districts. The names of those districts were then

searched online, and I reviewed each website to locate the Code of Conduct materials. The Code of Conduct was downloaded to upload it into the readability software program. This provided data to answer the first question.

The second question was answered using US Census data. US Census Community Facts is available for a 5-year estimate between 2011-2015. Each school district zip code was entered and the local community identified. Data from each community was gathered for high school and college graduation rates. This data is accessible in the form of a percentage of graduates for each community. This information does not assume a 12th grade reading level. The only available measure related to academic ability is the educational attainment offered by the US Census. There is no way to gather data on the reading levels of adults in 30 communities in Pennsylvania. This educational attainment level does give information relative to whether or not adults have read at the college level in a college program, but it cannot provide a completely accurate level of reading ability.

Table 1 outlines the steps used to sample and gather the initial data in this study.

Table 1. Sampling Procedures for Research Question 1

EVIDENCE NEEDED	SAMPLING PROCEDURE
Grade level readability scores from 30 randomly chosen school districts in Pennsylvania	<ol style="list-style-type: none"> <li data-bbox="716 338 1195 464">1. Identify 30 public school districts in the state using a randomization table. <div data-bbox="683 512 1187 825"> <p>30 Random Numbers</p> <p>130 157 077 317 463 392 239 065 087 285 059 103 237 203 036 167 412 413 175 257 378 148 337 137 369 041 290 043 151 093</p> <p>Specs: This table of 30 random numbers was produced according to the following specifications: Numbers were randomly selected from within the range of 1 to 500. Duplicate numbers were not allowed. This table was generated on 6/17/2016.</p> </div> <ol style="list-style-type: none"> <li data-bbox="716 953 1195 1094">2. Using the alphabetical list of the 500 school districts in Pennsylvania, choose the districts corresponding to these numbers. <li data-bbox="716 1121 1195 1262">3. Visit the websites of the 30 public school districts and download the Student Handbooks for readability analysis.

Table 2 outlines how I estimated the reading level of the community using data from the most recent U.S. Census.

Table 2. Data Collection Procedures for Research Question 2

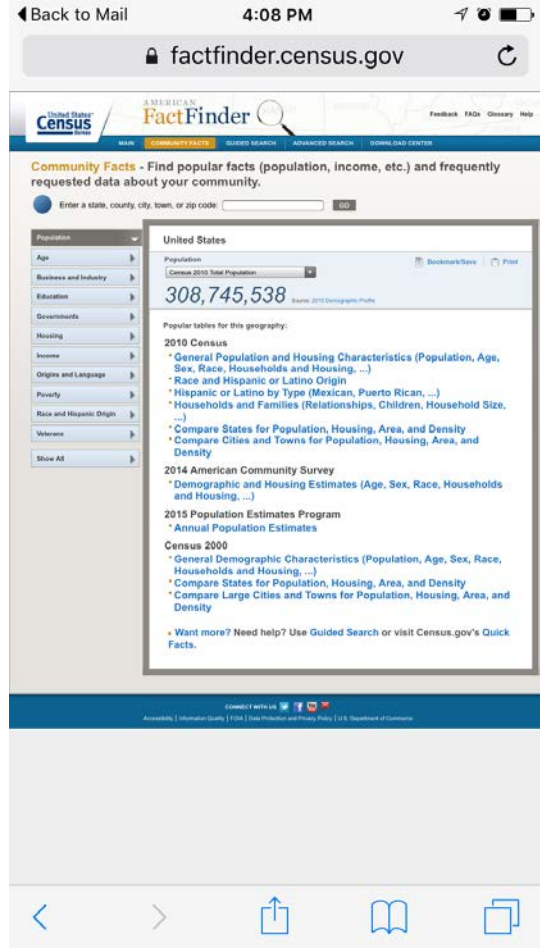
INQUIRY QUESTIONS	EVIDENCE NEEDED	DATE COLLECTION PROCEDURE
<p>What is the educational attainment of the community members within the school district? What is the population reading grade level?</p>	<p>2011-2015 American Community Survey 5-year Estimates information for the school district communities</p>	<ol style="list-style-type: none"> 1. Go to US Census Community Facts website. This offers the most complete and consistent information about educational attainment levels in local communities. https://factfinder.census.gov/faces/na/v/jsf/pages/community_facts.xhtml 2. Enter the zip code for the community of the school district Student Handbook 3. Click “Education” as chosen category for exploration 

Table 2 (continued)

		<p>4. Copy or print percentage of population in the community that falls into these categories:</p> <p>High school graduate (incl. equivalency) Some college credit, less than 1 year 1 or more years of college, no degree Associate degree Bachelor's degree Master's degree Professional degree</p> <p>5. Place appropriate information on Excel spreadsheet.</p>
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3.5 DATA ANALYSIS

To research these questions, I selected 30 school districts using a randomization table of the numbers 1 through 500. The list of alphabetized Pennsylvania districts was matched with the 30 random numbers chosen. Those districts were researched online, and the Code of Conduct materials were found on their public websites. Every district but one had materials online. This meant that 29 districts had materials used for this study. The materials were all presented in English, in a written format. Many of the online materials referenced the district policy manual. Some materials quoted district policies for student behavior. When Code of Conduct materials were within a Student Handbook, I extracted that portion.

4.0 FINDINGS

4.1.1 Research question 1

The Code of Conduct resources were downloaded and entered into the online Oleander readability analysis program. This process produced multiple scores for the readability level of entries. There are 14 different formulas within the readability analysis program. This section presents a description of two types of readability formulas used for this study. Each formula was used to answer the question of: What is the readability level of the Code of Conduct materials? Two formulas will be highlighted for this study.

The Coleman Liau Readability Formula was developed by linguists Meri Coleman and T.L. Liau in 1975. It was intended to use machines for scoring, rather than hand scoring. The formula is traditional in that it assigns grade level to a passage of 100 or more words. It broke from previous formulas in that Coleman Liau calculates the characters of words, rather than syllables or length of sentences. Coleman and Liau created it specifically for use by the Department of Education for textbooks. The theory was that counting the number of words in a sentence and the number of letters per word was more efficient and economical (Coleman & Liau, 1975).

The Bormuth Readability Index, later called the Degrees of Reading Power (DRP), takes the concept of counting characters a step further. John Bormuth added the concept of identifying familiar words within the passage. The grade level equivalent reported would reflect grade level

achievement needed to understand the types of words and sentence difficulty. There are 3,000 simple words considered in this formula. This was later used for the College Entrance Examination Board as DRP (DuBay, 2004).

These two formulas were chosen from among the 14 available, due to the clarity and application of their initial design. Other formulas include SMOG, RIX, LIX, Fry Graph, Flesch, and New Dale-Chall. The Coleman Liau considers multiple steps when determining a grade level score. The Coleman Liau was also created to be used with a machine, designed to be hand scored and then altered for computer scoring. The DRP applies the same foundations of understandable words as the New Dale Chall, but takes it a step further with counting word characters. Scores from all formulas were reviewed for each school district. The results from all applications were reviewed. The outcomes from each formula follow a similar pattern.

When comparing the reading grade level equivalents across all formulas, only one of the thirty school districts scored below grade 12 on both formulas. One district had consistent outcomes between grade 7 and 10 for readability. No other district showed a readability level across measures that was attainable for individuals reading below the twelfth-grade level.

Results from the Coleman Liau ranged from a 10.7 grade level to a 15.9 grade level. Most scores were within the grade level 13, with 11 districts having Code of Conduct materials at the grade 13 range. Four of the districts had grade level equivalent scores below the twelfth grade. Figure 1 displays these results.

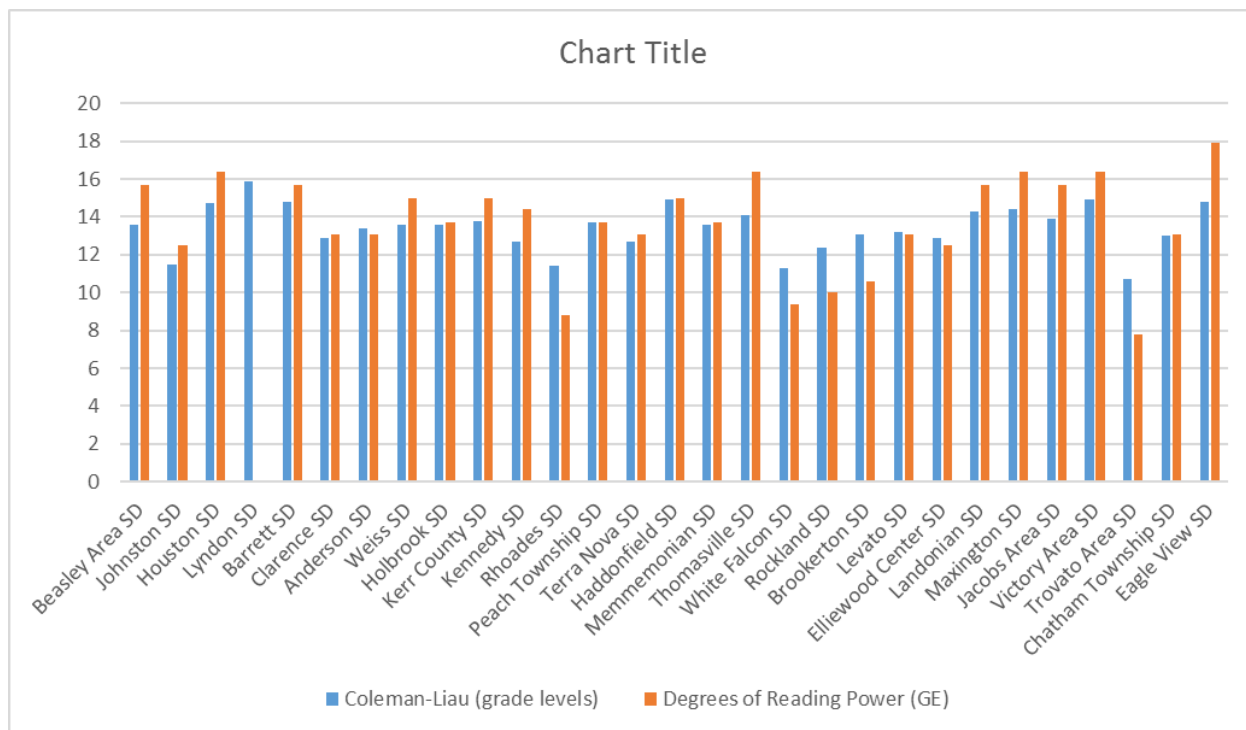


Figure 1. Results from the Coleman-Liau and DRP Readability Test

The DRP formula was not suitable for one sample because much of the material was written in lists and not paragraphs. Therefore, only 28 documents produced the DRP formula. Of those 28, the range of readability was grade 7.8 to grade 17.9. Eight school districts had materials at a grade 13 readability level, and seven had a grade equivalent score within the grade 15 level. Five of the written samples were below a grade level equivalent of twelve.

Three of the school districts had materials with a grade level readability below grade 12 according to both the Coleman Liau and DRP formulas. This means that according to the two formulas chosen, three school districts had Code of Conduct materials that high school students could easily understand. Generalizing the results to the larger community requires additional information about residents of the local neighborhoods.

4.1.2 Research question 2

The educational attainment of local communities was located through the latest government survey results. Population data were gathered from the American Community Survey (ACS), which can be found at the US Census Bureau website. The ACS provides community information, including population numbers and educational attainment, according to zip codes. The zip code listed for the town of each school district was used to gather community educational attainment. Each town's data were identified and listed with the district's readability scores. A full summary of the results for every district appears in Appendix A of this document. The names of the randomly chosen districts have been changed for anonymity.

A review of this data shows that most of adult community members within these districts are high school graduates. The district with the lowest attainment of diplomas had a 79.4% high school graduation rate. The district with the most high school graduates also had the highest number of 4-year college degrees. One community had a 97.2% high school graduation rate and 58.4% of the population with 4-year college degrees. The range in the attainment of bachelor's degrees was between 10% of the population and 58.4% of the population. Eight of the 30 communities had more than 25% of the adult residents having earned a college diploma. Four of the communities had 50% of adult residents possessing a 4-year degree. This translates to the majority of adult community members having attained a high school diploma, with the expectation that the general population could achieve understanding at the twelfth-grade level. Only four of the 30 school districts have 50% of their residents fluent in understanding material at a 13, 14, 15, or 16 grade level equivalent. Four communities have 25% of residents familiar with material written above the twelfth grade level, and the remaining 22 districts are comprised

by a majority of adults who are not familiar with postsecondary writing. The outcome of comparing educational attainment appears in Figure 2.

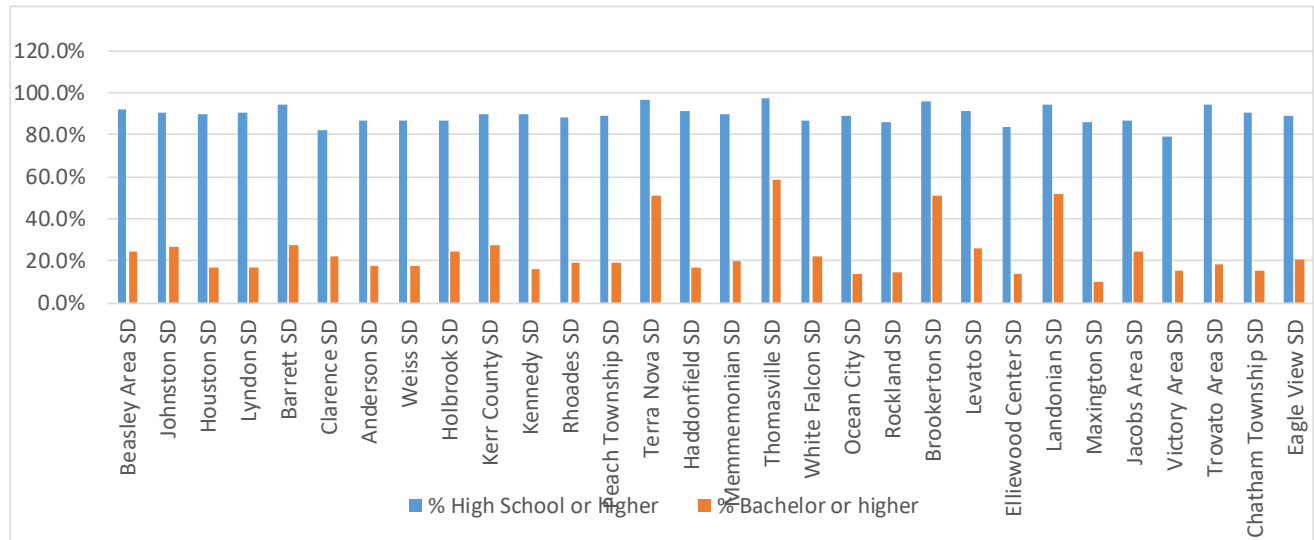


Figure 2. Comparing Educational Attainment

4.1.3 Research question 3

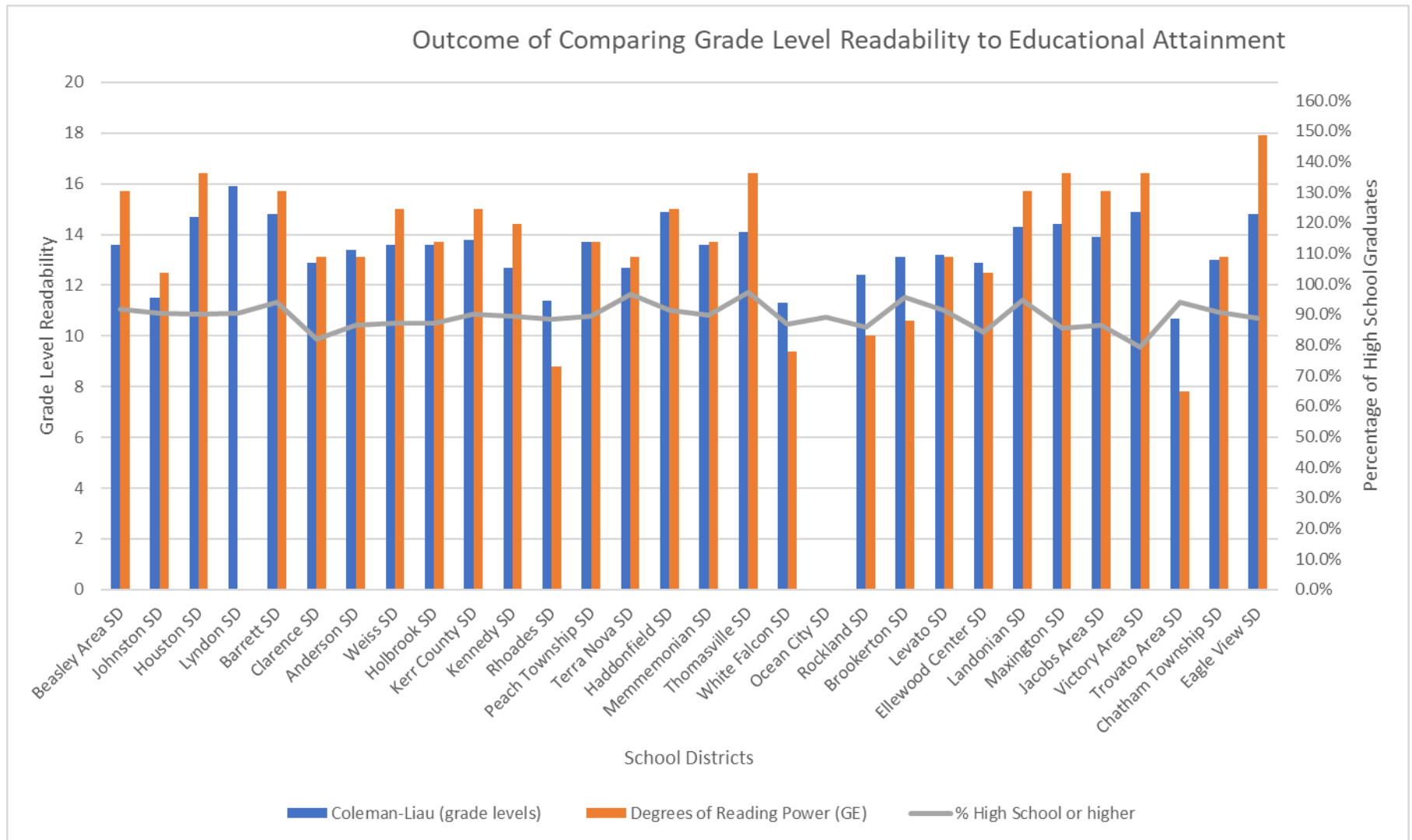


Figure 3. Outcome of Comparing Grade Level Readability to Educational Attainment

Figure 3 shows that seven districts closely matched the written word to the intended audience. Of these seven, three of the districts had a Code of Conduct written at grade level 12 or below. All of those districts had 85% or more of the adults in their community with high school diplomas. The remaining four districts had 50% or more of the adult population with a college diploma. Those districts did have Code of Conduct materials written beyond the high school level; however, many of their community members are educated beyond the high school diploma level. Those four districts had materials written between the 10.6 and 16.4 grade equivalent for an adult population with an average of 50% of the adults understanding materials beyond the high school level.

The best example of a match between the two is a school district with a 94% high school graduation rate, 18% college graduation rate, and 10.7/ 7.8 grade level readability for the Code of Conduct. This is an example of the most easily understood information provided by a public school district.

Twenty-two (73%) districts offered materials written beyond the 12th grade level, although their town's general educational attainment ended at high school. The most extreme example was a school district with a 79% high school graduation rate, 15% college graduation rate, and a Code of Conduct written at a 14.9/16.4 grade level equivalent. This means that only 15% of the adult population could be expected to fully understand the prior notice provided in the written material.

5.0 CONCLUSIONS

Public school districts use Code of Conduct materials to inform students and families of their legal rights. Circulating written or online handbooks meets the standard of explaining to students their right to a free and public education, and when that right can be taken away. Schools use the Code of Conduct to provide prior notice of due process rights. Prior research has focused on how schools notify parents of their due process rights regarding special education law, but not in regard to notification of the school policies in general.

Special education law (IDEA, 1997) requires parent participation and allows an avenue for parents to formally disagree with public schools. Federal laws pertaining to all students (NCLB, 2001) direct parent involvement and notification. Neither offer a remedy for clarity of communication between entities. A study of 30 years of readability research of written communication for parents with students receiving special education services analyzed eight prior studies. The authors summarized that while recommendations for adult readability levels decreased, the actual reading levels of parent materials increased (Nagro & Stein, 2016). Recommendations for readability levels to be understood by parents were no higher than 9th grade in 1984 yet dropped to fifth grade in 2014. In contrast, the readability levels of documents published increased from a 7.5 grade level in a 1984 study to a 12.5 grade level in a 2014 study. The average for all eight studies involved was a 10.8 grade level (Nagro & Stein, 2016). The authors cited the difficult text structure, use of technical terms, and frequent use of acronyms as

reasons for the lack of accessibility due to complexity. They recommend considering parents with the most basic reading abilities with sensitivity when writing to provide them with information need to make educated decisions (Nagro & Stein, 2016). There are no research articles evaluating the readability of Code of Conduct materials as there have been with special education documents.

The results of the present study were striking: only three of the sample districts had Code of Conduct materials with a readability grade level below the 12th grade on the two formulas applied. This is in contrast to the educational attainment of the associated communities. Only four districts have a majority of community members familiar with college level materials. These outcomes of grade level readability were consistent across school districts. Districts that were small and large had the same readability levels. Districts with higher and lower household incomes according the US Census information had similar readability levels. When reviewing the districts by name and US census data, the urban and rural districts all show the same pattern with readability of materials.

What does this mean for parents? First, written material that is at a literacy level beyond what parents can comprehend is alienating. For example, parents must be able to comprehend what circumstances would result in a student losing the right to an education. They must also be able to understand the right of due process. If the notice for regarding these two concepts is written at a level beyond their reading comprehension, then parents are not truly informed.

Parents and students have a property right to an education. They must be informed of when those rights are in jeopardy. School districts that use language above the readability level of stakeholders are not effectively communicating legal notice. In addition, materials written at a level beyond grade 12 create a school versus parent relationship. There is no evidence of shared

ownership or shared governance with a Code of Conduct that can only be easily understood by the authors. The Code of Conduct is meant to reflect community expectations and district policy. It is a document of the school district norms, often listing the policies passed by the elected school board. These expectations should be communicated back to families in a way that is consistent with the region and reflective of the local level of educational attainment.

Second, parents who cannot understand the rules may not be able to instruct their children about the school's expectations. For example, a Code of Conduct with language dramatically above the level of parent comprehension will not be referenced. Parents who are overwhelmed with trying to understand a lengthy and difficult document are much less likely to sit down and review it with their child. Additionally, if the parent does not understand the document, it is very unlikely that the child will independently be able to pull meaning from it.

Third, parents who do not understand the discipline process may forfeit their rights, fail to appear at meetings or hearings, or poorly represent their children in such forums. Due process rights are communicated in the Code of Conduct. The rules for suspensions and expulsions are explained in this document. Individuals who cannot read the Code of Conduct do not understand the timelines and expectations for written notice, informal hearings, and formal hearings. This puts the student's right to an education at risk.

5.1 LIMITATIONS

This research was limited by the size of the sample as a representation of only one state. I chose 30 randomly selected school districts from the 500 districts across Pennsylvania. Future studies in other states would be useful in understanding this problem.

A second limitation is the breadth of the research used for the literature review. I was not able to locate a larger body of research on the readability of materials made available by public schools. The research focused on special education documents created for informing parents of rights. There do exist national studies of procedural safeguards and the associated readability. However, I could not locate national or state studies of parental due process notice for students in general education settings. Moreover, there is no prior research about Code of Conduct materials being assessed with readability formulas. This dearth of research conveys the need for more studies of the problem, including studies focused on other parent communications.

Many readability formulas are readily available. A limitation of this study is that not every formula result is reported. Each formula might provide a slightly different grade level or index value score. I chose two of all possible formulas based on their ease of understanding results and the original intended design use. Some formulas give a score represented on a graph. Other formulas were created for hand scoring or were more simplistic in their original assessment design.

Education attainment levels for local communities were used to estimate parents' reading levels, because there is no practical way to assess accurately the reading ability of individual adults of each community in Pennsylvania. For example, high school graduation does not imply the ability to read material at a 12th grade level, but it is an indicator of prior access to texts at specific grade levels. High school graduation can mean exposure to reading materials through grade 12, but does not mean that the individual has read materials above the 12th grade.

5.2 IMPLICATIONS FOR RESEARCH

Expanding this series of questions in the future would create greater understanding of how we inform and provide notice for parents. Further research on a national scale could be considered, although it would encompass collecting materials on a grand scale. The barrier to investigating at this level is the need to collect data from individual districts within each state. Prior research on procedural safeguards was possible simply because states create one procedural safeguard document for use by every district. In addition, procedural safeguards are written in response to a federal special education law and not a state mandate. This translates to 50 documents for review, one for each state to communicate parent special education rights.

General education district wide Code of Conduct materials would vary by individual districts, as the districts choose how to distribute student and parent rights to stakeholders. Studying all states would be daunting, and would also require an understanding of laws regulating education by each state. Nevertheless, we need a better understanding of the readability of Code of Conduct texts across the country. Gathering information about the most successful practices in other states could lead to more informed stakeholders in our region.

Additional research could provide evidence of best practices used by states when communicating with families whose first language is not English, or families in regions where adult literacy is known to be at lower levels. Investigating additional methods for informed consent with these families would give insight into additional methods for school districts in Pennsylvania to adopt.

5.3 IMPLICATIONS FOR PRACTICE

Schools wishing to partner with parents must share their regulations and expectations in a readable format if they are to succeed as a team. District administrators intending to inform must be cognizant of the audience for a published Code of Conduct or Student Handbook. When the intended consumers cannot easily understand the text, the message goes unheard and creates a barrier to fostering successful partnerships. The time and effort dedicated to creating Code of Conduct materials would be best used if the first consideration was the intended audience. If we first thought of using publications to partner with families, then the outcome might look a bit different.

The expectation for written communication to families should be that while it meets requirements for providing information, it is also useful. The materials should be accessible for the adults in the household. In addition, when schools have an opportunity to communicate with parents, the materials can also be used for building the partnership. Materials should be written to be informative and engaging, as an extension of the message sent to the homes of children enrolled in the school district. The policies of a district can be communicated in a format that is easier to understand and possibly less alienating. School districts in Pennsylvania now have data on the reading abilities of graduates. Students who have graduated within the past five years have had assessments of their proficiency. This data should be stored and used to access descriptors of the local community.

Training for prospective teachers and administrators should prepare them to state ideas simply, to reach the intended audience. Professionals who cannot explain a concept simply create a barrier between themselves and others. Code of Conduct materials are being created by administrators who consistently write at a college graduate level, without the thought of planning

for an intended audience. Training can include practice in writing for parent publications within college coursework. This would be the best introduction to using software packages for checking readability levels. Microsoft Office is one example of a program that offers readability statistics within the document production. Students who practice using this feature will be familiar with it as they become professionals.

School district administrators and office staff can also be introduced to these options. Word processing software with readability features offer an easy solution to making sure that documents are matched with the intended audience. These details become more important when the district has a consistent visioning message.

When the school district has a plan to partner with families, the practice of checking readability levels of documents becomes an understandable task that is done with more consistency. Annual in-service presentations to remind professionals of the local community, stakeholders, and families help to keep the focus on partnerships. School district understanding of the local community lends itself to clearly speaking to the community members, whether in written word or verbally. The overreaching goal of partnering becomes a guide to focus the work of professionals. Using a more universally understood language supports working toward a shared effort of educating children.

5.4 LEGAL IMPLICATIONS

In conclusion, offering written parent communication merely to comply with an annual requirement is insufficient and may well violate the legal concept of notice. Parents are entitled to notice of disciplinary codes and processes. Any communication to parents should be clear,

readable, and engaging. Written publications are an opportunity to partner with parents, not merely an exercise in administrative protocol.

School districts offering using the Code of Conduct materials to meet requirements of prior notice and due process may be meeting the letter of the law, but not the spirit of the law. The U. S. Constitution guaranteed the rights to “life, liberty, or property” with equal protection and without discrimination (U. S. Constitution, Amendment 14). The judicial system has consistently upheld that students can be removed from school, but only after they are made aware of their rights and given an opportunity for due process.

The legal requirements for school districts extends beyond broad federal guidelines and narrows specifically for public schools. P.L. 94-142 (Education for All Handicapped Children Act) in 1975 and Individuals with Disabilities in Education Act (1997) both specifically gave parents of special education students the rights and means to use due process when they required resolution for a conflict with the school district. No Child Left Behind Act (2001) applied to all public school children, and was very deliberate regarding the importance of parent engagement. Parents are mentioned over 300 times in the legislation. NCLB (2001) states that information must be “provided in a language that parents can understand” NCLB (2001) 1111 (b)(2)(E). Providing Code of Conduct materials above the educational attainment level of the parents in the community is a violation of all the legal requirements. When written materials cannot be understood, parents are denied prior notice, due process, or the engagement they deserve.

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